

REMARKS

Claims 30-48 and 50-59 are pending. Claims 35, 43 and 45 have been amended. Claim 49 has been cancelled in this paper. Applicant reserves the right to pursue the original claims and other claims in this and in other applications.

Claim 43 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Specifically, the Office Action states that “the longitudinal direction” lacks antecedent basis. Applicant respectfully traverses the rejection.

Claim 43 has been amended to address the concern raised in the Office Action. Accordingly, Applicant respectfully requests the 35 U.S.C. § 112, second paragraph rejection be withdrawn and the claim allowed.

Claims 35, 36, 40-45, 47-49, and 55-59 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,775,983 (“Shendon”). Applicant respectfully traverses the rejection.

Claim 35 recites a conditioning device comprising, in part, “a system for moving said rotatable roller segments relative to said glazed polishing surface and for moving said glazed polishing surface relative to said roller segments at a predetermined rate.” Applicant respectfully submits that this limitation is not disclosed or taught by Shendon.

Shendon is directed to an apparatus and method for conditioning a polishing pad for use in a polishing apparatus. (Shendon, col. 1, lines 8-11). Although the Shendon device may have rollers that rotate at various speeds, the device does not have a system to move the pad relative to the rollers. Particularly, Shendon does not disclose, teach or suggest “a system for moving said rotatable roller segments relative to said glazed polishing surface and for moving said glazed polishing surface relative

to said roller segments at a predetermined rate.” Applicant respectfully submits that the 35 U.S.C. § 102(e) rejection of independent claim 35 and dependent claims 36, 40-44 be withdrawn and the claims allowed.

Claim 45 recites a conditioning device wherein “said conditioning device is adjustable in response to measurements of surface characteristics of work pieces.” Applicant respectfully submits that this limitation is not disclosed or taught by Shendon.

As mentioned earlier, Shendon is directed to an apparatus and method for conditioning a polishing pad for use in a polishing apparatus. (Shendon, col. 1, lines 8-11). The apparatus of Shendon does not have a device that polishes surfaces in response to the surface characteristics of the polishing surface. Particularly, Shendon does not disclose, teach or suggest a device that “is adjustable in response to measurements of surface characteristics of work pieces.” Accordingly, Applicant respectfully submits that the 35 U.S.C. § 102(e) rejection of independent claim 45 and dependent claims 47-49 be withdrawn and the claims allowed.

Claim 55 recites a conditioning apparatus comprising, in part, “a conditioning device for *simultaneously applying different conditioning treatments* to the surface of a polishing pad.” (emphasis added). The Office Action fails to address or find this limitation in the Shendon reference. Moreover, Shendon fails to disclose this claimed feature. Accordingly, Applicant respectfully submits that the 35 U.S.C. § 102(e) rejection of independent claim 55 and dependent claims 56-59 be withdrawn and the claims allowed.

Claims 37 and 38 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Shendon. Applicant respectfully traverses the rejection.

Claims 37 and 38 depend from claim 35 and thus, include the limitations of claim 35. As such, claims 37 and 38 recite, in part, "a system for moving said rotatable roller segments relative to said glazed polishing surface and for moving said glazed polishing surface relative to said roller segments at a predetermined rate." As mentioned earlier, this limitation is not disclosed or taught by Shendon. For at least this reason, Applicant respectfully submits that claims 37 and 38 are allowable.

Additionally, the Office Action concedes that Shendon fails to disclose "the particulars of the driving arrangement of the rollers." (Office Action, p.3). The Office Action, however, contends that "to have a drive shaft with gears to rotate a roller would have been an obvious design choice since this configuration is old and well-known in the art." (Office Action, p.3).

Applicant respectfully submits, however, that there would have been no motivation to combine the Shendon device with a drive shaft having gears to achieve the device as defined by claims 37 and 38 absent the impermissible use of hindsight using the claimed invention as a roadmap. Without reliance on such hindsight, Shendon would not have been combined with a drive shaft having gears. (See M.P.E.P. § 2141.01(III)). This is one more reason why the claims are allowable. Applicant respectfully submits that the 35 U.S.C. § 103(a) be withdrawn and the claims allowed.

Claims 39 and 46 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Shendon in view of U.S. Patent No. 6,086,460 ("Labunsky"). Applicant respectfully traverses the rejection.

Claim 39 ultimately depends from claim 35 and thus, includes the limitations of claim 35. As such, claim 39 recites, in part, "a system for moving said rotatable roller segments relative to said glazed polishing surface and for moving said glazed polishing

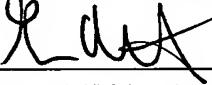
surface relative to said roller segments at a predetermined rate.” As mentioned earlier, Shendon fails to teach this limitation. Labunsky, by contrast, is directed to a method and apparatus for conditioning a polishing pad for use in chemical mechanical planarization. (Labunsky, Abstract). Labunsky does not disclose, teach or suggest a “a system for moving said glazed polishing surface relative to said roller segments at a predetermined rate.” Because cited references, individually or in combination, fail to teach or suggest all of the elements of claim 39, Applicant respectfully requests the 35 U.S.C. § 103(a) rejection be withdrawn and claim 39 allowed.

Claim 46 depends from claim 45 and thus, includes the limitations of claim 45. As such, claim 46 recites, in part, “said conditioning device is adjustable in response to measurements of surface characteristics of work pieces.” As mentioned earlier, Labunsky is directed to a method and apparatus for conditioning a polishing pad for use in chemical mechanical planarization. Labunsky does not disclose, teach or suggest a “conditioning device [that] is adjustable in response to measurements of surface characteristics of work pieces.” As mentioned above, Shendon also fails to teach this limitation. Because cited references, individually or in combination, fail to teach or suggest all of the elements of claim 46, the claim is allowable. Accordingly, the rejection should be withdrawn and the claim allowed.

In view of the above amendment, Applicant believes the pending application is in condition for allowance.

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